

FILED

FEB 19 1997

ATTEST *Sartine P. Long*  
FOR THE JUDICIAL PANEL OF  
MULTIDISTRICT LITIGATION

ORIGINAL

FEB 21 1997

MICHAEL E. KUNZ, Clerk  
By *mln* Dep. Clerk

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION  
FILED

FEB-3 97

PATRICIA D. HOWARD  
CLERK OF THE PANEL

DOCKET NO. 1014

FEB 25 1997

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

U. S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FILED  
FEB 24 1997  
NANCY DOHERTY, CLERK

(See Attached Schedule CTO-77)

3:96cv3234-G

CONDITIONAL TRANSFER ORDER

On August 4, 1994, the Panel transferred 29 civil actions to the United States District Court for the Eastern District of Pennsylvania for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. Since that time, more than 1,915 additional actions have been transferred to the Eastern District of Pennsylvania. With the consent of that court, all such actions have been assigned to the Honorable Louis C. Bechtle.

It appears that the actions listed on the attached schedule involve questions of fact which are common to the actions previously transferred to the Eastern District of Pennsylvania and assigned to Judge Bechtle.

Pursuant to Rule 12 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 147 F.R.D. 589, 596, the actions listed on the attached schedule are hereby transferred under 28 U.S.C. §1407 to the Eastern District of Pennsylvania for the reasons stated in the order of August 4, 1994, and, with the consent of that court, assigned to the Honorable Louis C. Bechtle.

This order does not become effective until it is filed in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

ENTERED ON DOCKET  
FEB 25 1997 PURSUANT  
TO F. R. C. P. RULES  
58 AND 79a.

FOR THE PANEL:

*Patricia D. Howard*  
Patricia D. Howard  
Clerk of the Panel

Inasmuch as no objection is pending  
at this time, the stay is lifted and  
this order becomes effective

FEB 19 1997

Patricia D. Howard  
Clerk of the Panel

A TRUE COPY CERTIFIED TO FROM THE RECORD

DATED: 2/21/97

WITNESS: *Mary L. McKenna*

DEPUTY CLERK, UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

5

**SCHEDULE CTO-77 -- TAG ALONG CASES**  
**DOCKET NO. 1014**  
**IN RE ORTHOPEDIC BONE SCREW PRODUCTS LIABILITY LITIGATION**

**DISTRICT DIV CIVIL ACTION#****ALABAMA NORTHERN**

ALN 2 96-2542

Foreman v. American Medical Electronics, Inc. X

**FLORIDA MIDDLE**

FLM 8 96-2429

Fry v. AcroMed Corp.

FLM 8 96-2430

Baker v. AcroMed Corp.

FLM 8 96-2431

Reutti v. AcroMed Corp.

FLM 8 96-2432

Tiffany v. AcroMed Corp.

FLM 8 96-2433

Jeffers v. AcroMed Corp.

FLM 8 96-2434

Watson v. AcroMed Corp.

FLM 8 96-2435

Best v. AcroMed Corp.

FLM 8 96-2436

Stevenson v. AcroMed Corp. X

FLM 8 96-2437

Beckwith v. AcroMed Corp.

FLM 8 96-2438

Golder v. AcroMed Corp.

**FLORIDA SOUTHERN**

FLS 0 96-7377

Fields v. Danek Medical, Inc. X

**ILLINOIS NORTHERN**

ILN 1 96-7972

Suarez v. AcroMed Corp., et al. X

**LOUISIANA WESTERN**

LAW 6 96-2536

Sizemore v. Zimmer, Inc. X

**MARYLAND**

MD 1 96-2061

Magner v. Danek Medical, Inc., et al. X

**MINNESOTA**

MN 3 96-978

Vander Voort v. Cross Medical Products - already for post X

MN 3 96-1026

Jolly v. AcroMed Corp., et al.

**MISSOURI EASTERN**

MOE 4 96-2371

Cole v. AcroMed Corp., et al. X

**NEW HAMPSHIRE**

NH 1 97-15

Tibbetts v. AcroMed Corp., et al. X

**NEW YORK WESTERN**

NYW 1 97-25

Richards v. Ulrich KG X

**OREGON**

OR 6 96-6307

Walker v. Danek Medical, Inc. X

OR 6 96-6308

Simmons v. Advanced Spine Fixation Systems, Inc. X

**SOUTH CAROLINA**

SC 6 96-3597

Jones v. AcroMed Corp., et al. X

**TEXAS EASTERN**

TXE 4 96-395

Evans v. AcroMed Corp., et al. X

TXE 4 96-397

Johnson v. AcroMed Corp., et al. X

TXE 4 96-398

Gonzales v. Danek Medical, Inc.

**TEXAS NORTHERN**

TXN 2 96-481

Romero v. Danek Medical, Inc.

TXN 2 96-483

Lambright v. AcroMed Corp., et al. X

TXN 2 96-484

White v. AcroMed Corp., et al.

TXN 2 96-490

Crouch v. Danek Medical, Inc.

TXN 3 96-3225

Haskins v. Danek Medical, Inc. X

## SCHEDULE CTO-77 TAG ALONG CASES (Cont'd.) - MDL NO. 1014 -

## TEXAS NORTHERN (Cont.)

|     |   |         |                                   |   |
|-----|---|---------|-----------------------------------|---|
| TXN | 3 | 96-3226 | Langford v. AcroMed Corp., et al. |   |
| TXN | 3 | 96-3228 | Pierson v. Danek Medical, Inc.    | X |
| TXN | 3 | 96-3229 | Yates v. AcroMed Corp., et al.    |   |
| TXN | 3 | 96-3230 | Guerrero v. AcroMed Corp., et al. |   |
| TXN | 3 | 96-3232 | Smith v. AcroMed Corp., et al.    |   |
| TXN | 3 | 96-3233 | Brittain v. Danek Medical, Inc.   |   |
| TXN | 3 | 96-3234 | Brooks v. AcroMed Corp., et al.   |   |
| TXN | 3 | 96-3238 | Davis v. AcroMed Corp., et al.    |   |
| TXN | 3 | 96-3241 | Daniels v. Danek Medical, Inc.    |   |
| TXN | 3 | 96-3242 | Cundiff v. AcroMed Corp., et al.  |   |
| TXN | 3 | 96-3244 | Pease v. Danek Medical, Inc.      |   |
| TXN | 3 | 96-3245 | Johnson v. Danek Medical, Inc.    |   |
| TXN | 3 | 96-3246 | Dougherty v. Danek Medical, Inc.  |   |
| TXN | 3 | 96-3250 | Hill v. Danek Medical, Inc.       |   |
| TXN | 5 | 96-241  | Ribble v. Danek Medical, Inc.     | X |

## TEXAS SOUTHERN

|     |   |         |   |   |
|-----|---|---------|---|---|
| TXS | 2 | 96-635  | Martinez v. Sofamor, S.N.C.               |   |
| TXS | 2 | 96-636  | Nantz v. AcroMed Corp., et al.            | X |
| TXS | 3 | 96-677  | Gravel v. Danek Medical, Inc.             | X |
| TXS | 4 | 96-3495 | Evans v. AcroMed Corp., et al.            |   |
| TXS | 4 | 96-3496 | Besch v. AcroMed Corp., et al.            |   |
| TXS | 4 | 96-3497 | Garcia v. AcroMed Corp., et al.           |   |
| TXS | 4 | 96-3498 | Livingston v. AcroMed Corp., et al.       |   |
| TXS | 4 | 96-3499 | Reyna v. AcroMed Corp., et al.            |   |
| TXS | 4 | 96-3500 | Queen v. AcroMed Corp., et al.            |   |
| TXS | 4 | 96-3501 | Vargas v. AcroMed Corp., et al.           |   |
| TXS | 4 | 96-3502 | Allen v. AcroMed Corp., et al.            |   |
| TXS | 4 | 96-3503 | Kuci v. AcroMed Corp., et al.             |   |
| TXS | 4 | 96-3504 | Marrs v. AcroMed Corp., et al.            |   |
| TXS | 4 | 96-3505 | Terrell v. AcroMed Corp., et al.          |   |
| TXS | 4 | 96-3506 | Zamora v. AcroMed Corp., et al.           |   |
| TXS | 4 | 96-3507 | Hallmark v. AcroMed Corp., et al.         |   |
| TXS | 4 | 96-3508 | Shoulders v. AcroMed Corp., et al.        |   |
| TXS | 4 | 96-3509 | Artiga v. AcroMed Corp., et al.           |   |
| TXS | 4 | 96-3510 | Martinez v. AcroMed Corp., et al.         |   |
| TXS | 4 | 96-3511 | Fretty v. AcroMed Corp., et al.           |   |
| TXS | 4 | 96-3512 | Ramos v. AcroMed Corp., et al.            |   |
| TXS | 4 | 96-3513 | Marleau v. AcroMed Corp.                  | X |
| TXS | 4 | 96-3550 | Bowes v. Sofamor, S.N.C., et al.          |   |
| TXS | 4 | 96-3551 | Benavides v. Danek Medical, Inc., et al.  |   |
| TXS | 4 | 96-3552 | Porter v. Danek Medical, Inc., et al.     |   |
| TXS | 4 | 96-3553 | Manning v. Sofamor, S.N.C., et al.        |   |
| TXS | 4 | 96-3554 | Schmelter v. Danek Medical, Inc., et al.  |   |
| TXS | 4 | 96-3555 | Livingston v. Danek Medical, Inc., et al. |   |
| TXS | 4 | 96-3556 | Cummings v. Danek Medical, Inc., et al.   |   |
| TXS | 4 | 96-3557 | Wiley v. Danek Medical, Inc., et al.      |   |
| TXS | 4 | 96-3558 | Stites v. Danek Medical, Inc., et al.     |   |
| TXS | 4 | 96-3559 | Rivera v. Danek Medical, Inc., et al.     |   |
| TXS | 4 | 96-3560 | Drake v. Danek Medical, Inc., et al.      |   |
| TXS | 4 | 96-3561 | Sears v. Sofamor, S.N.C., et al.          |   |
| TXS | 4 | 96-3562 | Davis v. Sofamor, S.N.C., et al.          |   |
| TXS | 4 | 96-3563 | Schmelter v. Sofamor, S.N.C., et al.      |   |
| TXS | 4 | 96-3564 | Basham v. Danek Medical, Inc., et al.     |   |
| TXS | 4 | 96-3565 | De La Cruz v. Danek Medical, Inc., et al. |   |
| TXS | 4 | 96-3566 | Bowser v. Danek Medical, Inc., et al.     |   |
| TXS | 4 | 96-3567 | Holley v. Sofamor, S.N.C., et al.         |   |
| TXS | 4 | 96-3568 | Shepherd v. Danek Medical, Inc., et al.   |   |
| TXS | 4 | 96-3569 | Perry v. Danek Medical, Inc., et al.      |   |
| TXS | 4 | 96-3570 | Scott v. Danek Medical, Inc., et al.      |   |
| TXS | 4 | 96-3571 | Valdez v. Sofamor, S.N.C., et al.         |   |
| TXS | 4 | 96-3572 | Coogler v. Sofamor, S.N.C., et al.        |   |
| TXS | 4 | 96-3573 | Manberg v. Danek Medical, Inc., et al.    |   |
| TXS | 4 | 96-3574 | Vasquez v. Danek Medical, Inc., et al.    |   |

## SCHEDULE CTO-77 TAG ALONG CASES (Cont'd.) - MDL NO. 1014 -

## TEXAS SOUTHERN (Cont.)

|     |   |         |   |
|-----|---|---------|---|
| TXS | 4 | 96-3587 | Shepherd v. Sofamor, S.N.C., et al.               |
| TXS | 4 | 96-3588 | Grimes v. AcroMed Corp., et al.                   |
| TXS | 4 | 96-3589 | Compton v. AcroMed Corp., et al.                  |
| TXS | 4 | 96-3590 | Flores v. Smith & Nephew Richards, Inc., et al.   |
| TXS | 4 | 96-3592 | Williams v. Smith & Nephew Richards, Inc., et al. |
| TXS | 4 | 96-3593 | Johnson v. Smith & Nephew Richards, Inc., et al.  |
| TXS | 4 | 96-3594 | Chandler v. Smith & Nephew Richards, Inc., et al. |
| TXS | 4 | 96-3595 | Arnold v. AcroMed Corp., et al.                   |
| TXS | 4 | 96-3596 | Basilio v. Smith & Nephew Richards, Inc., et al.  |
| TXS | 4 | 96-3619 | Tomlinson v. AcroMed Corp., et al.                |
| TXS | 4 | 96-3677 | Herrera v. Danek Medical, Inc., et al.            |
| TXS | 4 | 96-4097 | Hubbert v. Smith & Nephew Richards, Inc.          |
| TXS | 4 | 96-4131 | Heuermann v. Sofamor S.N.C.                       |
| TXS | 4 | 96-4132 | Luckett v. Smith & Nephew Richards, Inc.          |
| TXS | 4 | 96-4133 | Franklin v. Smith & Nephew Richards, Inc.         |
| TXS | 4 | 96-4134 | Johnson v. AcroMed Corp., et al.                  |
| TXS | 4 | 96-4135 | Gregory v. AcroMed Corp., et al.                  |
| TXS | 4 | 96-4136 | Carouthers v. AcroMed Corp., et al.               |
| TXS | 4 | 96-4137 | Bradley v. AcroMed Corp., et al.                  |
| TXS | 4 | 96-4138 | Roquemore v. Danek Medical, Inc.                  |
| TXS | 4 | 96-4139 | Gatson v. Sofamor, S.N.C.                         |
| TXS | 4 | 96-4140 | Burkhalter v. Smith & Nephew Richards, Inc.       |
| TXS | 4 | 96-4141 | O'Neal v. Danek Medical, Inc.                     |
| TXS | 4 | 96-4142 | Bowman v. AcroMed Corp., et al.                   |
| TXS | 4 | 96-4143 | Carvill v. Danek Medical, Inc.                    |
| TXS | 4 | 96-4144 | Henry v. Danek Medical, Inc.                      |
| TXS | 4 | 96-4314 | Shiyou v. Synthes (U.S.A.)                        |
| TXS | 4 | 96-4433 | Collier v. Danek Medical, Inc.                    |
| TXS | 6 | 96-125  | Saenz v. AcroMed Corp., et al. X                  |

## WISCONSIN EASTERN

|     |   |         |                                   |
|-----|---|---------|-----------------------------------|
| WIE | 2 | 96-1328 | Walker v. AcroMed Corp., et al.   |
| WIE | 2 | 96-1332 | McClain v. AcroMed Corp., et al.  |
| WIE | 2 | 96-1333 | Towler v. AcroMed Corp., et al. X |
| WIE | 2 | 96-1334 | Barnes v. AcroMed Corp., et al.   |
| WIE | 2 | 96-1335 | Tucker v. AcroMed Corp., et al.   |
| WIE | 2 | 96-1336 | Monson v. AcroMed Corp., et al.   |
| WIE | 2 | 96-1337 | Hughes v. AcroMed Corp., et al.   |
| WIE | 2 | 96-1338 | Hartwig v. AcroMed Corp., et al.  |
| WIE | 2 | 96-1339 | Reed v. AcroMed Corp., et al.     |

*United States District Court  
Northern District of Texas*

*Nancy Doherty  
Clerk of Court*

*1100 Commerce Street  
Dallas, Texas 75242*

February 25, 1997

Clerk  
USDC Eastern District of Pennsylvania  
US Courthouse Independence Mall West  
601 Market Street  
Philadelphia, PA 19106-1797

SUBJECT: 3:96CV3234-G Brooks v. AcroMed Corp, et al

Dear Clerk:

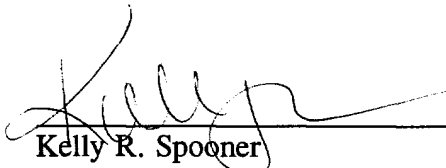
The above action has been transferred to your district pursuant to the order of MDL Panel Clerk Patricia D. Howard dated 2/3/97 (filed in our court 2/24/97).

The enclosed documents constitute the entire file in this action. Certified copies of the order of transfer and docket entries are included in lieu of the originals which are retained in our files.

A copy of this letter and a return envelope are enclosed for your convenience in acknowledging receipt of the file.

Sincerely,  
NANCY DOHERTY

By:

  
Kelly R. Spooner  
Deputy Clerk

Enclosure

-----  
Please acknowledge below, receipt of the documents described above and the case number assigned:

Date: \_\_\_\_\_

Case No.: \_\_\_\_\_

Clerk, U.S. District Court

By: \_\_\_\_\_

Deputy Clerk